

*Def
CLM.*

United States District Court
for the
Eastern District of New York

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **DELGADO, German**

Case Number **02-CR-1353**

Name of Sentencing Judicial Officer: **Honorable Frederic Block, U.S. District Judge**

Date of Original Sentence: **December 2, 2003; September 21, 2004 (Revocation of Supervised Release)**

Original Offense: **Importation of Heroin, 21 U.S.C. § 952(a), a Class C Felony**

Original Sentence: **Time served; 3 years TSR; 1 year in CCC; participate in drug treatment and mental health treatment - Revocation of Supervised Release Sentence - 14 months incarceration; 22 months TSR; participation in mental health treatment**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **September 1, 2005**

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PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
- ☒ To modify the conditions of supervision as follows:

The defendant shall participate, as approved by your Probation Officer, in a program for treatment of substance abuse. Such program may be either inpatient or outpatient. You shall totally abstain from the use of alcohol and/or other intoxicants during and after the completion of any treatment program. The defendant shall contribute to the cost of services rendered via co-payment or full payment in an amount to be determined by the Probation Department, based upon the defendant's ability to pay and/or the availability of third party payment.

CAUSE

On December 2, 2003, Your Honor originally sentenced the offender to time served and three (3) years supervised release, following his conviction on the charge of Importation of Heroin. On September 21, 2004, your Honor revoked supervised release and sentenced the offender to 14 months imprisonment and 22 months supervised release, following the finding of guilt that the offender failed to serve one year in a community corrections center as ordered by the Court. The offender commenced supervised release on September 1, 2005.

Your Honor has imposed the special condition requiring the offender to participate in mental health treatment. However, the offender also has a substance abuse history which includes marijuana and alcohol. Moreover, the offender tested positive for the presence of cocaine and marijuana on September 26, 2005. The existing Judgement for Revocation of Supervised Release did not include the special condition for substance abuse treatment. As such, the Probation Department would respectfully recommend that the offender's conditions of supervision be modified to include participation in substance abuse treatment. The offender has agreed to the modification of the conditions of supervision and the executed Waiver of Hearing form is attached. However, the final decision would rest with Your Honor's discretion.

Respectfully submitted by,

Gregory Carter

Gregory Carter

Senior U.S. Probation Officer

Date: October 26, 2005

Approved by,

Gregory Carter for

George V. Doerrbecker

Deputy Chief U.S. Probation Officer

Date: October 26, 2005

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

[Signature]
Signature of Judicial Officer

Date

10/27/05

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NEW YORK

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate, as approved by your Probation Officer, in a program for treatment of substance abuse . Such program may be either inpatient or outpatient. You shall totally abstain from the use of alcohol and/or other intoxicants during and after the completion of any treatment program. The defendant shall contribute to the cost of services rendered via co-payment or full payment in an amount to be determined by the Probation Department, based upon the defendant's ability to pay and/or the availability of third party payment.

Witness:

Gregory Carter

U.S. Probation Officer

Signed:

Armen Degeev

Probationer or Supervised Releasee

10-17-05

DATE